

Serial No. 09/434,161

Response to Office Action Mailed June 15, 2004  
September 15, 2004**REMARKS**

Applicants' invention is set forth in the pending claims, including amendments provided herein.

In the pending Official Action, the Examiner rejects claims 3-4 and 20-22 under 35 USC 102(e) as being anticipated by the Van Gestel et al. '483 reference

Applicants respectfully traverse the rejections as follows.

Prior to addressing existing patentable features of the present invention, it is noted that claims 3, 20 and 22 are amended hereby to clarify the nature of the recited invention, and that new claims 45-47 have been added. New claims 45 and 47 correspond to recitations of the invention as set forth in claims 3 and 20, but broadened by omission of unnecessarily restrictive language such as "so that each of the packets is recorded within a given area ranging from a reference position defined on one of the tracks corresponding to an arrival time of each of the packets to a given position away from the reference position at a preselected distance toward the following track". Claim 46 is added for further clarification.

The newly submitted claims thus relate, *inter alia*, to various media other than tapes.

It is noted that applicant's invention, as recited in claims 3, 20 and 22, corresponds to the second embodiment illustrated in Fig. 8, as described at page 35, line 12 of the specification to page 37, line 3 for example. As described therein, "the shown packet data recording system is of the type wherein the set top box adds time stamps indicative of times of arrivals of received packets to headers of the packets, and ... the time stamp extracting circuit 11 then extracts time stamps out of the packets and provides them as reference signals..." to various circuits whose output signals are used as reference and control signals, in which "clocks which are synchronous

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with the time stamps added to headers of the packets are produced for controlling the speed of the rotary drum 10 to record the track number signals on the magnetic tape."

The recited structures are thus applicable to a transmission system of the type wherein time stamps, indicating arrival times of packets, are added to headers of the received packets. Such an approach is consistent with a US digital broadcasting standard.

The received packets do not originally include PCR (i.e., a Program Clock Reference). Although it appears that some confusion may have arisen as to the PCR and the time stamps, it is believed that the present amendment clarifies and distinguishes the time stamps from the PCRs. Thus, claims 3, 20 and 22 operate to:

- 1) record input packets to which time stamps having values indicating times of arrival of the input packets are added;
- 2) produce arrival time control clocks based on the time stamps;
- 3) generate the arrival time control clocks in synchronism with changes in the values of the time stamps, and
- 4) record on a storage medium the packets to which the time stamps are added.

It is courteously submitted, however, that this recording method and apparatus of Van Gestel et al. USP 5,953,483 functions differently from the foregoing and thus cannot be said to anticipate the invention set forth in the pending claims, particularly as clarified by the present amendment.

More particularly, as shown in Fig. 4 therein, the '483 reference discloses a recording device to which encoded video signals, such as MPEG-2 (TS: transport stream) signals are added. Each inputted packet of MPEG signals has a time stamp added thereto. In the reference, PLL 110 locks on PCR (Program Clock Reference) clock information contained in inputted

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MPEG packets and controls the oscillator circuit 112 to supply clocks to the mod-N counter 114, as described at col 10, lines 3-25 for example.

It is thus noted that, while the inputted MPEG packets of the reference *do not include* the *time stamps*, which are added by processing unit 102 to the packets after being inputted, it is quite clear that (as clearly described at col. 10, lines 21-22 of the reference) “The PLL 110 locks onto the *PCR clock information included in the MPEG packets...*” This is apparent from Fig. 4 of the reference, wherein PLL 110 which locks onto the PCR receives the input signal from terminal 1, and wherein the time stamp is added by the circuit at 104, to the input signal.

In other words, the prior art system is designed for MPEG packets (MPEG2-TS: Transport Stream packets) which contain PCR (Program Clock Reference), and works to generate clocks based on the PCR.

On the other hand, applicants’ system operates on received packets, to which the time stamps (indicating arrival times) are added and further operates to generate arrival time control clocks based on these time stamps. That is, the packets received, and operated on, by applicants’ system do not contain PCR and generate the control clocks from the generated time stamps, while the applied reference generates such control clocks from the incoming PCR.

It is respectfully submitted that the recitations of the pending claims are clearly differentiated from the applied art, which (as shown above) teaches generating various control signals based on incoming PCR information, in contradiction to applicants’ recitation of providing control clocks based on time stamps added to the incoming signals.

Indeed, as but one example of an embodiment illustrating the foregoing, it is apparent from the description at page 35, lines 23-26 of the present application that “The time stamp extracting circuit 11 then extracts time stamps out of the packets and provides them as reference

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signals to the PLL 4, the mod-N counter 12, and the mod-12 counter 13." On the other hand, the mod N counter 114 of the '483 reference receives a signal from oscillator 112 which is controlled by PLL 110 in response to the PCR clock information.

Although patentability does not depend on the specific circuit elements used to implement the invention, it is believed that the foregoing has clearly illustrated at least one distinction between the recitation of applicants' invention and that of the '483 reference, as may now be more readily appreciated from the clarified claim recitations. Inasmuch as an anticipatory reference is required to teach each and every one of the features recited in a claim allegedly anticipated thereby, it is therefore submitted that the '483 reference fails to anticipate applicants' claims and that reconsideration and withdrawal of the rejection in the pending Action is in order.

In view of the foregoing, it is respectfully submitted that reconsideration and withdrawal is in order for the rejections set forth in the outstanding Official Action. Upon such withdrawal, it is further submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. In order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, the Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number if any further comments, questions or suggestions arise in connection with the application.

Respectfully submitted,  
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